

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
NOVEMBER 8, 2012**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Angelo Colasante, Chair; Kenneth Gordon, Vice Chair; Jeffrey Cohen; Jeffrey Dearing; Stephen Henning; Todd Crowley

**ABSENT:** Brian Gildea, Clerk; Carol Amick

Mr. Colasante introduced himself and read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members and ZBA assistant introduced themselves.

Mr. Colasante stated that the voting members for the night's hearings would be himself, Mr. Gordon, Mr. Cohen, Mr. Dearing, and Mr. Henning, with Mr. Crowley serving as the alternate.

**PRESENTATION:** Mr. Gordon, Acting Clerk, read the notice of the hearing.

**PETITION #014-13** – John and Kelly Randazzo, 5 Selfridge Road, seek a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct addition within front yard setback.

John Randazzo greeted the Board and explained that he and his wife were hoping to build a second floor over an existing two-car garage and add a new porch in front of the mudroom that currently connected the garage to the house. He explained that the front of the house was 31.6 feet from the property line and was therefore non-conforming, so the Code Enforcement Director felt that a Special Permit was required because of the intensification of the existing non-conformity.

Mr. Colasante asked whether the addition would encroach any closer to the setback than the house already did. Mr. Randazzo said it would not; it would be flush with the existing house, 31.6 feet from the line.

Mr. Henning asked whether there would have to be any change to depth of the foundation, since the garage was build so long ago. Mr. Dearing said that the foundation depth has been four feet by Code for many years, even well before this foundation was poured in 2000, so it shouldn't be an issue. Mr. Colasante noted that the foundation would be under the purview of the Code Enforcement Department anyway, so the ZBA didn't have to be concerned.

Mr. Colasante opened the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

**DELIBERATIONS:**

Mr. Colasante said that he knew this part of Bedford well, and it was a neighborhood of small capes and similar lot sizes. He said he liked seeing these kinds of houses being expanded and he thought it was good for the Town. Mr. Cohen agreed, noting that this was a very straightforward application and it easily met the two conditions of a Special Permit, in that it wasn't injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the By-Law. The other Board members agreed.

**MOTION:**

Mr. Gordon moved to approve John and Kelly Randazzo, 5 Selfridge Road, a Special Permit per Sections 7.1.2 and 7.1.4 of the Zoning By-Law to construct addition within front yard setback, pursuant to attached Exhibits A and B.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Cohen, Dearing, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant could apply for a Building Permit at the Code Enforcement Department.

Mr. Randazzo thanked the Board members for their time. Mr. Colasante wished the applicant luck with the project.

**PRESENTATION:** Mr. Gordon, Acting Clerk, read the notice of the meeting.

**PETITION #015-13** – Ginger Japanese Cuisine, 88 Great Road, seeks a Special Sign Permit per Article 40.5 Section 2 of the Sign By-Law to illuminate wall signs.

Meiling Khoo, the owner of Ginger Japanese Cuisine, greeted the Board and stated that she was applying for a Special Permit to illuminate two wall signs with gooseneck lights – three lights on the front sign, two lights on the east side sign. She noted that the signs complied with the dimensions allowed under the By-Law, so the Special Permit was for lighting only.

Mr. Colasante said that a letter had been submitted from the sign manufacturer to certify that the light levels were within the Sign By-Law's regulations. He asked whether the letter was amenable to the other Board members, and they agreed that it was. Mr. Cohen

stated that the By-Law allows such a certification letter to come from an electrician, lighting engineer, or sign manufacturer, so the letter complied.

Mr. Colasante informed the applicant that the Board typically asked for the sign illumination to be on a timer to ensure that it was turned off between the hours of 11:00 PM and 6:00 AM, per the Sign By-Law. He asked whether she would have any problem with such a condition. Ms. Khoo said that she would not.

Mr. Cohen stated that he had attended the Historic District Commission (HDC) meeting the night before, at the end of which the application was continued to the December meeting because the Commission didn't find the color and placement of the original sign visually appealing. He said that the applicant has since changed the design of the sign to match what the HDC wanted, so the updated signs are what the Board was reviewing tonight. He added that the HDC did agree that the lights and lighting fixtures were amenable, so the application can move through the ZBA process tonight with no concerns.

Mr. Henning noted that the bulbs from the goosenecks should not protrude from the hood or shade of the lighting fixture, because there could be light overspill that would be particularly injurious to anyone living in the condos on the second floor of the building. There was discussion about whether a condition should be put on the motion stating this; Mr. Gordon noted that Article 40.5 Section 2(D) of the Sign By-Law states, "Exterior sign illumination shall be shielded and targeted solely at the sign" – so in his opinion the Board need not make a condition for it because it was already a law and could be enforced through the Code Enforcement Department.

Mr. Colasante opened the hearing to the public. He read into the record a letter of support for the sign application from Kathy Kerby and Ben Littauer, of 37 Fletcher Road, signed and dated November 2, 2012.

With no one in attendance, Mr. Colasante closed the public hearing.

#### **DELIBERATIONS:**

Mr. Colasante said that he had no problems with this application. He said he appreciated Mr. Henning's point about the light overspill but felt that it was a Code Enforcement issue. He said the Board had received all the information it needed to make an informed decision. Mr. Cohen said that the application met the two conditions of a Special Permit, in that it was not injurious or detrimental to the neighborhood and was in keeping with the intent and purpose of the By-Law. The other members agreed.

#### **MOTION:**

Mr. Gordon moved to approve Ginger Japanese Cuisine Corporation, 88 Great Road, a Special Sign Permit per Article 40.5 Section 2 of the Sign By-Law to illuminate wall

signs, on the condition that the signs not be illuminated between the hours of 11:00 PM and 6:00 AM and be put on a timer, pursuant to attached Exhibits A, B, and C.

Mr. Cohen seconded the motion.

Voting in favor: Colasante, Gordon, Cohen, Dearing, and Henning

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board has 14 days to write a decision, after which time there was a 20-day appeal period. The applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant could apply for a Sign Permit at the Code Enforcement Department.

Mr. Colasante wished the applicant luck and said he looked forward to having the restaurant reopen.

Mr. Colasante called for a motion to adjourn the meeting.

**MOTION:**

Mr. Cohen moved to adjourn the meeting.

Mr. Gordon seconded the motion.

Voting in favor: Colasante, Gordon, Cohen, Dearing, Henning, and Crowley

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 8:45 PM.

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Angelo Colasante, Chair

Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant